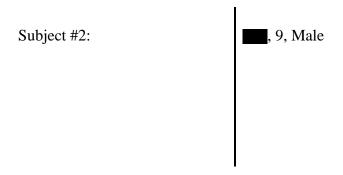
# SUMMARY REPORT OF INVESTIGATION

# I. EXECUTIVE SUMMARY

Date of Incident:	December 16, 2017
Time of Incident:	7:50pm
Location of Incident:	
Date of COPA Notification:	January 8, 2018
Time of COPA Notification:	7:20pm
wife, wife, who has at Officer who has at Officer yells and threatens was exposed to multiple unsecure gout failed to make proper notificat	the residence of Officer

# II. INVOLVED PARTIES

Accused Officer #1:	, star # , employee ID# , Date of Appointment – , 2001, Police Officer, Date of Birth – , 1967, Male, Hispanic
Accused Officer #2:	of Appointment – 2003, Police Officer, Date of Birth – 1972, Male, Hispanic
Accused Officer #3:	, star # , employee ID# , Date of Appointment – , 2002, Police Officer, Date of Birth – , 1971, Male, White
Subject #1:	, 48, Female, Black



### III. ALLEGATIONS

Officer	Allegation	Finding
Officer	It is alleged that on December 16, 2017, Officer failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	Sustained
Officer	It is alleged that on December 16, 2017, Officer failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	Sustained
Officer	It is alleged that on December 16, 2017, Officer failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	Sustained

### IV. APPLICABLE RULES AND LAWS

#### Rules

1. Chicago Police Rule 6: Prohibits the disobedience of an order or directive, whether written or oral.

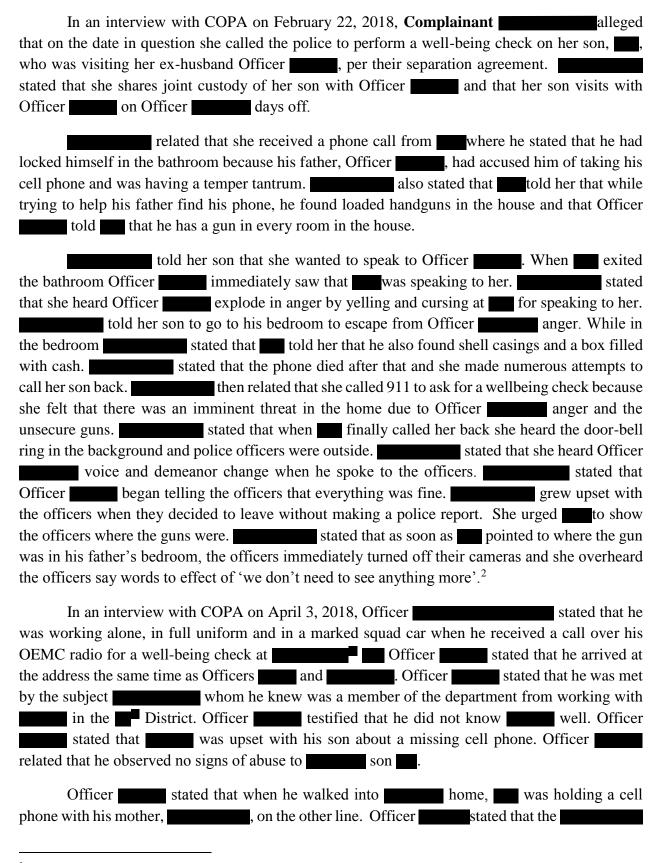
### General Orders

1. Chicago Police Department General Order G04-04

#### V. INVESTIGATION<sup>1</sup>

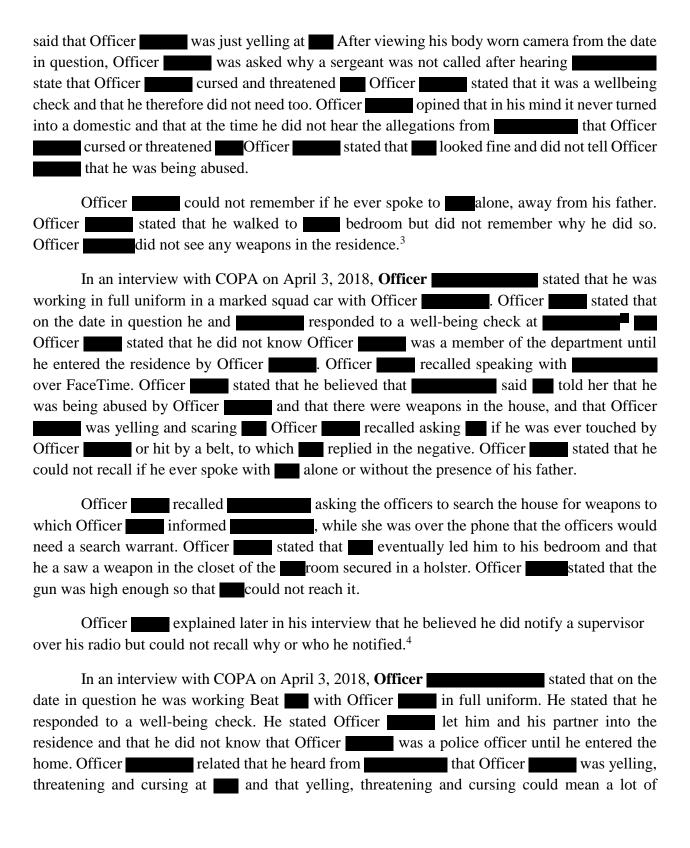
#### a. Interviews

 $<sup>^{1}</sup>$  COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.



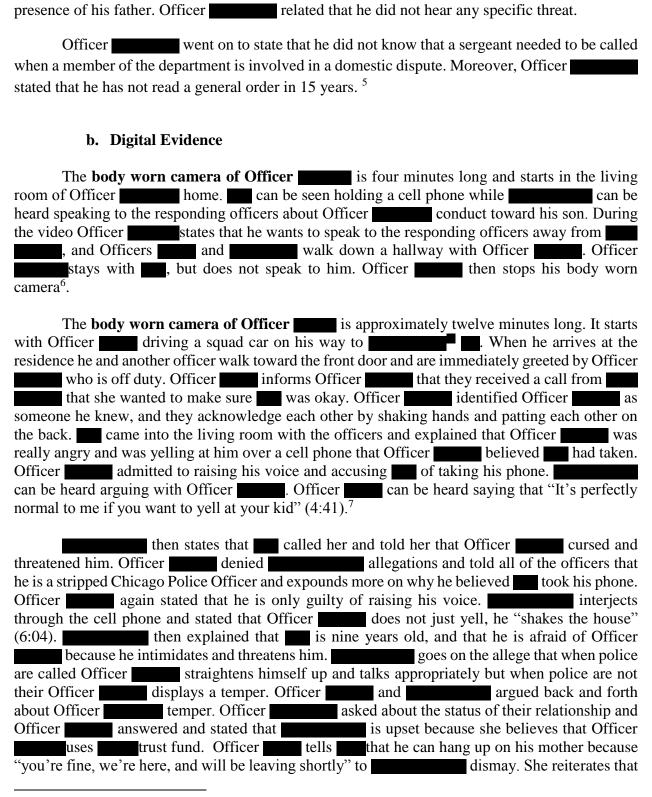
<sup>&</sup>lt;sup>2</sup> Attachment 20

3



<sup>&</sup>lt;sup>3</sup> Attachment 19 & 24

<sup>&</sup>lt;sup>4</sup> Attachment 18 & 23



different things. Officer could not recall whether he spoke to alone out of the

<sup>&</sup>lt;sup>5</sup> Attachment 17 & 22

<sup>&</sup>lt;sup>6</sup> Attachment 26

<sup>&</sup>lt;sup>7</sup> Attachment 26

the officers have no idea what Officer sounds like when the doors are close. Officer then looked at Officer and asked him where he knows him from. stated that Officer is about to be terminated due to his racist rants. Officer can be heard saying that "if she's got issues she's going to have to deal with her lawyer later".
Officer orders his son to stay in the front of the house and requested that the officers come walk with him. Officer and walk with Officer to room and Officer starts talking to Officer about trust fund while Officer walked around walked into his room and started talking with Officer about golf. Officer and Officer struck up a conversation about where Officer works and they begin to speak about other Chicago Police personnel that they know. Officer then turned off his camera.
There are two videos from the <b>body worn camera of Officer</b> is essentially identical to Officer body worn camera video. The second video is two minutes and eleven seconds long and showed Officer walking back to Officer and back into the residence. Officer along with all the other officers follow Officer walks into Officer bedroom closet and points to where Officer gun is located. Officer sees the gun and Officer says that it is time to get out of his closet. The Officers then proceed to walk out of the residence. Officer can be seen speaking to Officer that alleged that there was some type of gun inside the house but where she said it was it wasn't there. Officer remarks that he believes trying to stir up some type of something.
c. Documentary Evidence
An <b>Original Case Incident Report</b> (OCIR) was drafted on December 22, 2017. The OCIR was titled Domestic Related Incident and referenced the incident that occurred on December 16, 2017. This report was written by Detective and was based from a Child Abuse Hotline Notification made by where she stated that was exposed to multiple unsecure guns in Officer home and called 911 to request a child welfare check. The report dictates that she overheard an district officer say "no, we do not need to see anything". <sup>10</sup>
d. Physical Evidence
<b>Event Queries</b> from the Office of Emergency Management and Communications (OEMC) for December 16, 2017, show that called 911 at 7:51pm. The remarks explain that

<sup>8</sup> Attachment 26
9 Attachment 26
10 Attachment 9

while was speaking with her 9-year-old son over the phone when Officer began cursing and threating her son.<sup>11</sup>

R/I reviewed the **Radio Transmissions** from Office of Emergency Management and Communications (OEMC) of this incident. R/I did not hear any of the accused officers call for a sergeant on December 16, 2017. <sup>12</sup>

#### VI. ANALYSIS

COPA recommends a **Sustained** finding against officers , and , and who are alleged to have failed to notify a supervisor after hearing allegations of a domestic incident involving an off-duty department member.

Section III(B) of General Order G04-04, of the Chicago Police Department provides that:

If a Chicago Police Department member is involved in the domestic incident, the responding member will request that a member who is of higher rank than the Department member involved in the domestic incident be assigned from the district of occurrence as the investigating supervisor. If an *exempt* member is involved in the domestic incident, the *field supervisor* of the district of occurrence will be assigned to the scene. If circumstances warrant, the *field supervisor* may request that the appropriate ranking *exempt* member also be assigned to the scene.

The Chicago Police general order makes it clear that if a member of the department gets involved in a domestic incident that the responding officers must request a member who is of a higher rank than the involved member.

Here the accused officers professed individually in their statements to COPA that they were responding to a call for a wellbeing check. The body worn cameras from the officers show that when the officers arrived inside of the residence for their preliminary investigation, they were met by , whose mother was communicating with the officers via cell phone, which was on speakerphone. The body worn cameras from the three officers, each show that they were present when makes allegations that Officer had been verbally abusive towards her son.

The body worn camera also shows that the officers were present when alleged that Officer threatened After hearing these allegations of domestic misconduct against Officer, COPA finds that at this point of the preliminary investigation, this matter shifted from a wellbeing check to a domestic dispute and that the officers should have, at a minimum, contacted a department member of higher rank than Officer, per general order G04-04. In this instance, the officers chose not to, and in doing so violated the aforementioned general order, thus COPA finds the allegations against Officer, Officer and Officer are Sustained, by a preponderance of the evidence.

<sup>&</sup>lt;sup>11</sup> Attachment 26

<sup>&</sup>lt;sup>12</sup> Attachment 25

#### VII. RECOMMENDED DISCIPLINE FOR SUSTAINED ALLEGATIONS

## a. Officer

i. Complimentary and Disciplinary History

COPA has reviewed both the disciplinary and complimentary history of the officer.

#### ii. Recommended Penalty, by Allegation

#### 1. Allegation No. 1

COPA recommends a 2 day suspension and retraining on the General Order G04-04 for Officer . While the officers rely on the fact that they responded to a dispatch of wellbeing check, it is clear the officers were presented with, at the very least, an incident involving a domestic relationship between a department member and his son. specified that her son called her because he feared his father. The officer's response was cursory and minimal at best. For example, Officer BWC was only activated for four minutes. Officer is heard commenting "It's perfectly normal to me if you want to yell at your kid."

COPA is conscious that the officers may not have viewed this situation as a "domestic incident" or may not have been familiar enough with the general order to know a supervisor should have been called. However, any lack of training did not excuse their obligation to call a higher-ranking department member. The purpose for the general order is to avoid what happened here, where officers with the same rank made the final decision as to whether a domestic incident involving a fellow department member required investigation. The responding officers entered the house, listened to conflicting stories from and Officer about the nature of the encounter the unilaterally decided the complaint was not valid.

#### a. Officer

### i. Complimentary and Disciplinary History

COPA has reviewed both the disciplinary and complimentary history of the officer.

#### ii. Recommended Penalty, by Allegation

#### 1. Allegation No. 1

For the same reasons articulated above, COPA recommends a 2 day suspension and retraining on General Order G04-04 for Officer

#### a. Officer

### i. Complimentary and Disciplinary History

COPA has reviewed both the disciplinary and complimentary history of the officer.

# ii. Recommended Penalty, by Allegation

# 1. Allegation No. 1

For the same reasons articulated above, COPA recommends a 2 day suspension and retraining on General Order G04-04 for Officer

# VIII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Allegation	Finding
Officer	
It is alleged that on December 16, 2017, Officer failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	Sustained
Officer	
It is alleged that on December 16, 2017, Officer failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	Sustained
Officer	
It is alleged that on December 16, 2017, Officer failed to notify a supervisor after hearing allegations of domestic misconduct by a department member.	
Approved:	I
January 30, 2019	)
Date Deputy Chief Administrator	

# Appendix A

Assigned Investigative Staff